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**AGENCY**

ZNY DEC-6 0910:4L

SECRET

DOCKET NO. UIC-09-2007-0002

**CONSENT AGREEMENT  
AND  
PROPOSED FINAL ORDER**

Proceedings under Section 1423(c) of the Safe Drinking Water Act, 42 U.S.C. § 300h-2(c)

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2. Respondent and Complainant (the "Parties") agree that settlement of the matters at issue in the attached "Findings and Proposed Administrative Order with Administrative Penalty" ("Proposed Order"), Docket No. UIC-09-2007-0002, without litigation will save time and resources, that it is in the public interest, that it is consistent with the provisions and objectives of

1

1 the SDWA and applicable regulations, and that entry of this CA/FO is the most appropriate  
2 means of resolving such matters.

### 3 COMPLIANCE REQUIREMENTS

4 3. Pursuant to EPA's authority under Section 1423(c) of the SDWA, 42 U.S.C. § 300h-  
5 2(c), Respondent shall submit a Plan, including schedules, to EPA for approval within thirty (30)  
6 days of the effective date of the Final Order in this matter, which specifies how and when  
7 Respondent will comply with Parts II.E.3 and II.G.1(a) and (b) of the subject Permit, related to  
8 annual inspections, monitoring, and reporting associated with the Facilities.

9 4. Respondent shall make such revisions to the Plan as may be specified by EPA and,  
10 upon receipt of EPA's written approval of the Plan, shall implement the Plan in accordance with  
11 its schedules.

12 5. Respondent shall submit the Plan referred to in paragraph 3 above, to:

13 Aaron Setran  
14 Ground Water Office  
15 U.S. Environmental Protection Agency Region IX  
16 75 Hawthorne Street (WTR-9)  
17 San Francisco, CA 94105

18 6. Respondent shall also comply and maintain compliance with all other requirements of  
19 its Class V UIC Permit, and maintain compliance with its Class V UIC Permit with regard to  
20 injection activity at the Facilities and injection activity at any new, modified, or replacement  
21 Class V UIC wells that Respondent constructs at Pineview Estates pursuant to its Class V UIC  
22 Permit.

### 23 PENALTY

24 7. To account for the violations set forth in the attached Proposed Order, Respondent  
25 agrees to pay to the United States an administrative civil penalty of forty-three thousand dollars  
(\$43,000.00), no later than thirty (30) days following the effective date of the Final Order  
(hereinafter referred to as the "due date").

In re: PTP Inc.  
Consent Agreement and Proposed Final Order,

1 8. The civil administrative penalty referred to in paragraph 7 above shall be made payable  
2 in accordance with any acceptable method of payment listed in **Exhibit A** "EPA Region 9  
3 Collection Information," which is incorporated by reference as part of this CA/FO.

4 9. Concurrent with payment of the civil administrative penalty made pursuant to  
5 paragraphs 7 and 8 above, Respondent shall provide written notice of payment, referencing the  
6 title and docket number of this case, via certified mail, to each of the following:

7 Rich Campbell  
8 Office of Regional Counsel  
9 U.S. EPA, Region IX  
75 Hawthorne Street (ORC-2)  
San Francisco, CA 94105

and

Danielle Carr  
Regional Hearing Clerk  
U.S. EPA, Region IX  
75 Hawthorne Street (ORC-1)  
San Francisco, CA 94105

10 10. Neither assessment nor payment of a civil administrative penalty pursuant to this  
11 CA/FO shall affect Respondent's continuing obligation to comply with the SDWA's UIC  
12 Program, and with the compliance requirements set forth in this CA/FO and made pursuant to  
13 EPA's authority under Section 1423(c) of the SDWA, 42 U.S.C. § 300h-2(c).

14 11. If Respondent's penalty payment is not received on or before the due date, interest shall  
15 accrue on any overdue amount from the first date after the due date through the date of payment,  
16 at the interest rate established by the Secretary of the Treasury under 31 U.S.C. § 3717. In  
17 addition, a late payment handling charge of fifteen dollars (\$15.00) will be assessed for each  
18 thirty-(30) day period (or any portion thereof) following the due date in which the balance  
19 remains unpaid. Payment of any interest and late handling charges shall be made in accordance  
20 with paragraph 9 above.

21 12. Pursuant to Section 1423(c)(7) of the SDWA, 42 U.S.C. § 300h-2(c)(7), if Respondent  
22 fails to pay by the due date the administrative civil penalty assessed in paragraph 7 above of this  
23 CA/FO, EPA shall bring a civil action in an appropriate district court to recover the amount  
24 assessed (plus costs, attorneys' fees, and interest). In such action, the validity, amount, and  
25 appropriateness of such penalty shall not be subject to review. 42 U.S.C. § 300h-2(c)(7).

**GENERAL PROVISIONS**

13. Respondent waives any right to a hearing under Section 1432(c)(3) of the SDWA, 42 U.S.C. § 300h-2(c)(3). Respondent waives any right to contest the allegations contained in this Consent Agreement, or to appeal the CA/FO.

14. Respondent admits the factual allegations of the Consent Agreement and agrees not to contest, in any administrative or judicial forum, EPA's jurisdiction to enter into this CA/FO.

15. Respondent neither admits nor denies the non-jurisdictional allegations set forth in the attached Proposed Order.

16. Respondent consents to the issuance of this CA/FO and the conditions specified herein, including payment of the administrative civil penalty in accordance with the terms of this CA/FO.

17. This CA/FO, inclusive of all exhibits, appendices, and attachments, is the entire agreement between the Parties to resolve EPA's civil penalty claim against Respondent for the specific SDWA violations alleged in the attached Proposed Order. Full compliance with this CA/FO shall constitute full settlement only of Respondent's federal civil penalty liability for the SDWA violations specifically alleged in the attached Proposed Order.

18. In accordance with 40 C.F.R. § 22.18(c), this CA/FO only resolves Respondent's liability for federal civil penalties for the violations and facts specifically alleged in the attached Proposed Order. Nothing in this CA/FO is intended to or shall be construed to resolve (i) any civil liability for violations of any provision of any federal, state, or local law, statute, regulation, rule, ordinance, or permit not specifically alleged in the attached Proposed Order; or (ii) any criminal liability. EPA specifically reserves any and all authorities, rights, and remedies available to it (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address any violation of this CA/FO or any violation not specifically alleged in the attached Proposed Order.

1 19. This CA/FO is not a permit or modification of any permit. It shall not affect  
2 Respondent's obligation to comply with all applicable federal, state, local laws, ordinances,  
3 regulations, permits, and orders, including but not limited to any SDWA requirements, permits  
4 or orders.

5 20. This CA/FO shall in no way affect the right of EPA or the United States against  
6 any third party (person/entity not a party to this CA/FO) or the right of any third party against  
7 Respondent.

8 21. The provisions of this CA/FO shall apply to and be binding upon Respondent,  
9 its officers, directors, agents, successors, and assigns. Notice of this CA/FO shall be given to  
10 any successors in interest prior to transfer of Respondent's Facilities at Pineview Estates. Action  
11 or inaction of any persons, firms, contractors, employees, agents, or corporations acting under,  
12 through, or for Respondent shall not excuse any failure of Respondent to fully perform its  
13 obligations under this CA/FO.

14 22. EPA reserves any and all legal and equitable remedies available to enforce this CA/FO,  
15 including the Compliance Requirements specified in paragraphs 3 through 6 above, as well as  
16 the right to seek recovery of any costs and attorneys' fees incurred by EPA in any actions against  
17 Respondent for noncompliance with this CA/FO. Violation of this CA/FO shall be deemed a  
18 violation of the SDWA, and may result in additional enforcement action pursuant to SDWA §  
19 1423(b), 42 U.S.C. § 300h-2(b) and/or SDWA § 1423(c)(7), 42 U.S.C. § 300h-2(c)(7).

20 23. Except as stated in paragraph 22, the Parties shall each bear their own costs and  
21 attorneys fees incurred in this proceeding.

22 24. Respondent shall not deduct the civil penalty, or any interest, late penalty payment and  
23 administrative handling fees, from its federal, state or local income tax.

24 25. The undersigned representative of each of the Parties certifies that he or she is fully  
25 authorized to execute and legally bind that party to this CA/FO.

**XI. EFFECTIVE DATE**

26. The effective date of the CA/FO shall be thirty (30) days from the date that the Final Order is signed.

**FOR THE CONSENTING PARTIES:**

For PTP Inc.

Date: 11-20-07

Jason May  
Name

Vice president PTP Corp.  
Position

For the United States Environmental Protection Agency:

Date: 4 Dec. 2007

Alexis Strauss  
Alexis Strauss, Director  
Water Division

In re: PTP Inc.  
Consent Agreement and Proposed Final Order,

1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
2 REGION IX

FILED  
2007-6 11:10:37  
-2007-11-10-11:10:37

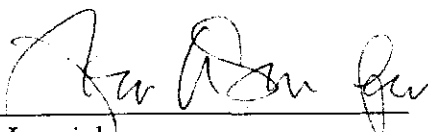
4 IN THE MATTER OF: ) DOCKET NO. UIC-09-2007-0002  
5 PTP Inc. )  
6 Pineview Estates, Nevada )  
7 Respondent. ) ~~PROPOSED~~  
8 ) FINAL ORDER  
9 Proceedings under Section 1423(c) of the Safe )  
Drinking Water Act, 42 U.S.C. § 300h-2(c) )  
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11 The United States Environmental Protection Agency Region IX ("EPA"), and PTP Inc.  
12 ("Respondent"), having entered into the foregoing Consent Agreement, and EPA having duly  
13 publicly noticed the Findings and Proposed Administrative Order regarding the matters alleged  
14 therein,

15 IT IS HEREBY ORDERED THAT:

- 16 1. The foregoing Consent Agreement and this Final Order be entered; and  
17 2. Respondent shall pay an administrative civil penalty of forty-three thousand dollars  
18 (\$43,000.00) in accordance with the terms set forth in the Consent Agreement.

19 This Final Order shall become effective thirty (30) days from the date that it is signed.  
20 This Final Order constitutes full adjudication of the September 27, 2007 Findings and Proposed  
21 Administrative Order issued by EPA in this proceeding.

22   
23 Steven Jawgiel  
24 Regional Judicial Officer  
25 U.S. Environmental Protection Agency  
Region 9

12.06.07  
DATE:

In re: PTP Inc.  
Consent Agreement and Proposed Final Order,

1 **APPENDIX A**

2 In the Matter of PTP, Inc.,

3 EPA Docket No. UIC-09-2007-0002

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5 **EPA REGION 9 COLLECTION INFORMATION:**

6 **ELECTRONIC FUNDS TRANSFERS**

7 Federal Reserve Bank of New York  
8 ABA = 021030004  
9 Account = 68010727  
10 SWIFT address = FRNYUS33  
11 33 Liberty Street  
12 New York, NY 10045  
13 Field Tag 4200 of the Fedwire message should read:  
14 "D 68010727 Environmental Protection Agency "  
15

16 **CHECK PAYMENTS**

17 U.S. Environmental Protection Agency  
18 Fines and Penalties  
19 Cincinnati Finance Center  
20 P.O. Box 979077  
21 St. Louis, MO 63197-9000

22 **OVERNIGHT MAIL:**

23 U.S. Bank  
24 1005 Convention Plaza  
25 Mail Station SL-MO-C2GL  
St. Louis, MO 63101

Contact: Natalie Pearson  
314-418-4087

In re: PTP Inc.  
Consent Agreement and Proposed Final Order,



**ATTACHMENT**

In the Matter of PTP, Inc.,

EPA Docket No. UIC-09-2007-0002

Findings and Proposed Administrative Order  
with Administrative Civil Penalty

